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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2008 OCT 23 PM 4:10
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In re application of:

Franciscus GEERTS

Appl. No. 09/767,496

U.S. Patent No.:

Filed: January 24, 2001

Issued:

For: **VEHICLE FOR DETERMINING THE
CLIMATE**

Confirmation No. 2695

Art Unit: 2636

Examiner: Anh V. La

Atty. Docket: 04132.0096.PCUS00

OCT 28 2008

OFFICE OF PETITIONS

**REQUEST FOR CORRECTION OF ENTITY STATUS AND
PETITION UNDER 37 CFR §1.28(C) TO ACCEPT DEFICIENCY IN PAYMENT OF FEES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper and petition is submitted to correct the entity status for the above-referenced patent and its corresponding application and to petition the Office to accept the deficiency in payment of fees corrected hereby, pursuant to 37 C.F.R. §§1.27 and 1.28.

The Assignee of Record recently became aware that its US patent counsel had continued to improperly claim small entity status subsequent to the assignee's loss of this entitlement on January 1, 1994. Thus, all fees paid in this application from January 1, 1994 to present must be adjusted to the full and correct value.

Assignee requests that the Office correct the entity status of the patent and the corresponding application. Assignee further requests that the Office accept and process the deficiency payment submitted herewith in accordance with 37 CFR 1.28(C). The requirements pertaining to calculation of the deficiency owed and itemization of the deficiency payment in accordance with 37 CFR 1.28(C)(2) can be found in Exhibit B.

Submitted herewith as Exhibit A is a Revocation of Power of Attorney and New Power of Attorney

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and Change of Correspondence Address, together with a Statement Under 37 C.F.R. §3.73(b), signed by the agent authorized to act on behalf of the Assignee filed in the U.S. Patent and Trademark Office on April 23, 2008, including a copy of the Notice of Acceptance of Power of Attorney mailed May 1, 2008.

Also submitted herewith as Exhibit B is an itemized listing of all fees paid, after January 1, 1994, during prosecution of this application, as Issue Fee payment, as Maintenance Fees, and as any other fees paid. All applicable surcharges are also included therein. This list is believed to be a comprehensive listing of all applicable fees and corresponding deficiencies. The correct fee amounts are calculated for the present date. The total deficiency is calculated at the bottom of the table and a \$130 petition fee in accordance with 37 CFR 1.28(C)(3) and 1.17(i) is added thereto. Payment for the total amount is attached hereto in the form of a check made out to the Commissioner, United States Patent Office.

Respectfully submitted,


Michael J. Bell (Reg. No. 39,604)
Attorney of Record

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EXHIBIT A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number **20080707496** PM 4:10
Filing Date January 24, 2001
First Named Inventor Franciscus T. GEERTS
Art Unit 2632
Examiner Name Anh V. La
Attorney Docket Number 04132.0096.PCUS00

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: **22930**

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number: **22930**


OR

☒ Firm or Individual Name **HOWREY LLP**
Address **C/O DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE
BOX 7**
City **FALLS CHURCH** State **VA** Zip **22042**
Country **USA**
Telephone **703.663.3600** Email

I am the:

☐ Applicant/Inventor.
☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature 
Name **Frans J.A. de Groen**
Date **28 March 2008** Telephone **31.10.59.96.333**

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of **1** forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)

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Applicant/Patent Owner: Franciscus T.C. GEERTS

Application No./Patent No.: 09/767,496 Filed/Issue Date: January 24, 2001

Entitled: VEHICLE FOR DETERMINING THE CLIMATE

Lely Research Holding AG, a Limited Liability Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011489, Frame 0782, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

28 March 2008

Signature



Date

Frans J.A. de Groen

31.10.59.96.333

Printed or Typed Name

Telephone Number

Dutch Representative

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/767,496	01/24/2001	Franciscus Theodorus Cornelis Geerts	04132.0096.PCUS00

CONFIRMATION NO. 2695

POA ACCEPTANCE LETTER

22930
HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR, SUITE 200
FALLS CHURCH, VA 22042-2924



Date Mailed: 05/01/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/23/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/trwoodson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

EXHIBIT B

REQUEST FOR CORRECTION OF ENTITY STATUS
Itemization of the Deficiency Payment

<i>Application No.</i>	<i>Patent No.</i>	<i>Type of fee Paid as Small Entity</i>	<i>Payment Date of Small entity Fee</i>	<i>Small Entity Fee Actually Paid</i>	<i>Current Fee Amount for Non-Small Entity</i>	<i>Surcharge Fee</i>	<i>Deficiency Amount Owed</i>
09/767,496		Filing Fee	Jan. 26, 2001	\$355	\$850		\$495
		Excess Claims Fee (10 dep.)	Jan. 26, 2001	\$90	\$520		\$430
		Recordal Fee	Jan. 26, 2001	\$40	\$40		0
		Excess Claims Fee (1 dep.)	May 8, 2001	\$9	\$52		\$43
		Excess Claims Fee (2 dep.)	July 17, 2002	\$18	\$104		\$86
		Excess Claims Fee (1 indep.)	July 17, 2002	\$42	\$220		\$178
		Extension of Time (3 mo.)	July 17, 2002	\$460	\$1,110		\$650
		Extension of Time (3 mo.)	April 23, 2003	\$465	\$1,110		\$645
		Notice of Appeal	April 23, 2003	\$160	\$540		\$380
		Filing Fee	March 5, 2008	\$810	Correctly Paid		0
		Petition to Revive -- Unintentional	March 5, 2008	\$1540	Correctly Paid		0
		Extension of Time (5 mo.)	March 5, 2008	\$2230	Correctly Paid		0
Total Deficiency Payment Owed							\$2,907
Petition Fee for Petition under 37 CFR 1.28(c)							\$130
TOTAL PAYMENT							\$3,037

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